

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

IN RE:)
)
GERARDO HERNANDEZ and) **BK 15-13396**
ANGELICA AGUIRRE,) **Chapter 7**
Debtors.)

**DEBTORS' OBJECTION TO MOVANT'S
MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT
AND BRIEF IN SUPPORT**

The above-captioned debtors object to the Movant's Motion for Relief from Automatic Stay and Abandonment and pray this Court deny its Request for an Order of Abandonment or any other alternative relief from the automatic stay, and in support hereof, would show as follows:

1. Debtor filed a Voluntary Petition for Relief under Chapter 7 of Title 11 of the United States Bankruptcy Code on September 4, 2015.
2. Movant filed a Motion for Relief from the Automatic Stay on September 28, 2015.
3. Debtors are working to bring their account current.
3. The house in question is exempt property of the type set forth in 11 U.S.C. § § 522 and 31 O.S. §1.
4. The Court should leave the stay in place and become a permanent part of the Discharge to the extent that the Debtors remain current with the payments.

BRIEF IN SUPPORT OF DEBTORS' OBJECTION

Debtors are working to bring their account current and believe that they can do so shortly. Pursuant to 11 U.S.C. § 522 (d)(1) and 31 O.S. § 2, a debtor is permitted to exempt their homestead. Debtors do have equity and the property is exempt.

Further, because the debtors have equity in the property, Movant is not entitled to relief under 11 U.S.C. §362(d)(2). The Movant has failed to show why they are entitled to relief or to specify which provision for relief that they are requesting.

Based on the foregoing facts and the standard expressed in 522(a)(2), Debtors object to the creditor's Motion for Relief from Automatic Stay and Abandonment of Property and urges the Court to deny Movant's requested relief and requests that the Court Order that the stay become permanent as part of the Discharge Order as long as Debtors remain current on their payments pursuant to the Forbearance Agreement.

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